

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

FRANK ADAM SEIGFRIED, #L2329

PETITIONER

VERSUS

CIVIL ACTION NO. 1:05-CV-370-DMR-JMR  
USCA No. 07-60483

LAWRENCE GREER

RESPONDENT

CERTIFICATE OF APPEALABILITY

A notice of appeal having been filed in the above captioned habeas corpus case [Doc. No. 30], in which the detention complained of arises out of process issued by a state court pursuant to 28 U.S.C. § 2254, or the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to 28 U.S.C. § 2255, the court, considering the record in the case and the requirements of 28 U.S.C. § 2253 and Rule 22(b) of the Federal Rules of Appellate Procedure, hereby finds that:

Part A

☐ A certificate of appealability should issue. (See reasons below.)

☒ A certificate of appealability should not issue. (See reasons below.)

Accordingly, the Motion of the Petitioner for a Certificate of Appealability [Doc. No. 31] is hereby **DENIED**.

Part B

(for non-CJA pauper cases only)

☒ The party appealing is a pauper.

☐ The party appealing is not a pauper. (See reasons below.)

The Court notes the Petitioner was previously once granted *in forma pauperis* status [Doc. No. 6]. See F.R.A.P. 24 (a) (B)(3)

REASONS:

The Petitioner has failed to make a substantial showing of the denial of a constitutional right as set forth in 28 U.S.C. §2253( c)(2); Petitioner's claims were procedurally barred or otherwise denied on the merits by the state court pursuant to an independent and adequate state law, and the state court's decisions did not result in an unreasonable application of clearly established federal law.

Date: July 3, 2007

S/ DAN M. RUSSELL, JR.  
UNITED STATES DISTRICT JUDGE